

108TH CONGRESS
2D SESSION

H. RES. _____

IN THE HOUSE OF REPRESENTATIVES

Mrs. MALONEY submitted the following resolution; which was referred to the
Committee on _____

RESOLUTION

Amending the Rules of the House of Representatives to
establish a standing Committee on Homeland Security
and a standing Committee on Intelligence and to allow
the Committee on Appropriations to have 14
subcommittees (of which one is a Subcommittee on Intel-
ligence), and for other purposes.

1 *Resolved*, That clause 1 of rule X of the Rules of the
2 House of Representatives is amended by redesignating
3 paragraphs (i) through (s) as paragraphs (j) through (t),
4 respectively, and by inserting after paragraph (h) the fol-
5 lowing new paragraph:

6 “(i) **Committee on Homeland Security.**

7 “(1) The Department of Homeland Security.

8 “(2) Homeland security, generally.



1 The committee shall have exclusive jurisdiction over the
2 matters referred to in subparagraphs (1) and (2).

3 COMMITTEE ON INTELLIGENCE

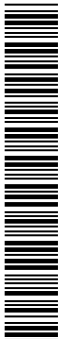
4 SEC. 2. (a) Clause 1 of rule X of the Rules of the
5 House of Representatives (as amended by the first section
6 of this resolution) is further amended by redesignating
7 paragraphs (k) through (t) as paragraphs (l) through (u),
8 respectively, and by inserting after paragraph (j) (as re-
9 designated by such first section) the following new para-
10 graph:

11 “(k) **Committee on Intelligence.**

12 “(1) The Central Intelligence Agency, the Di-
13 rector of Central Intelligence, and the National For-
14 eign Intelligence Program as defined in section 3(6)
15 of the National Security Act of 1947.

16 “(2) Intelligence and intelligence-related activi-
17 ties of all other departments and agencies of the
18 Government, including the tactical intelligence and
19 intelligence-related activities of the Department of
20 Defense.

21 “(3) The organization or reorganization of a de-
22 partment or agency of the Government to the extent
23 that the organization or reorganization relates to a
24 function or activity involving intelligence or intel-
25 ligence-related activities.



1 “(4) Authorizations for appropriations, both di-
2 rect and indirect, for the following:

3 “(A) The Central Intelligence Agency, the
4 Director of Central Intelligence, and the Na-
5 tional Foreign Intelligence Program as defined
6 in section 3(6) of the National Security Act of
7 1947.

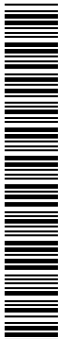
8 “(B) Intelligence and intelligence-related
9 activities of all other departments and agencies
10 of the Government, including the tactical intel-
11 ligence and intelligence-related activities of the
12 Department of Defense.

13 “(C) A department, agency, subdivision, or
14 program that is a successor to an agency or
15 program named or referred to in subdivision
16 (A) or (B).

17 The committee shall have exclusive jurisdiction over the
18 matters referred to in subparagraphs (1) through (4).”.

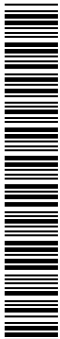
19 (b) Clause 4 of rule X of the Rules of the House of
20 Representatives is amended by adding at the end the fol-
21 lowing new paragraph:

22 “(g)(1) For purposes of accountability to the House,
23 the Committee on Intelligence shall make regular and
24 periodic reports to the House on the nature and extent
25 of the intelligence and intelligence-related activities of the



1 various departments and agencies of the United States.
2 The committee shall promptly call to the attention of the
3 House, or to any other appropriate committee, a matter
4 requiring the attention of the House or another com-
5 mittee. In making such report, the committee shall pro-
6 ceed in a manner consistent with subparagraph (7) to pro-
7 tect national security.

8 “(2) The Committee on Intelligence shall obtain an-
9 nual reports from the Director of the Central Intelligence
10 Agency, the Secretary of Defense, the Secretary of State,
11 and the Director of the Federal Bureau of Investigation.
12 Such reports shall review the intelligence and intelligence-
13 related activities of the agency or department concerned
14 and the intelligence and intelligence-related activities of
15 foreign countries directed at the United States or its inter-
16 ests. An unclassified version of each report may be made
17 available to the public at the discretion of the committee.
18 Nothing herein shall be construed as requiring the public
19 disclosure in such reports of the names of persons engaged
20 in intelligence or intelligence-related activities for the
21 United States or the divulging of intelligence methods em-
22 ployed or the sources of information on which the reports
23 are based or the amount of funds authorized to be appro-
24 priated for intelligence and intelligence-related activities.

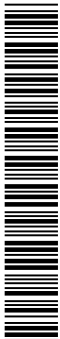


1 “(3) Within six weeks after the President submits a
2 budget under section 1105(a) of title 31, United States
3 Code, or at such time as the Committee on the Budget
4 may request, the Committee on Intelligence shall submit
5 to the Committee on the Budget the views and estimates
6 described in section 301(d) of the Congressional Budget
7 Act of 1974 regarding matters within the jurisdiction of
8 the committee.

9 “(4)(A) Except as specified in subdivision (B),
10 clauses 8(a), (b), and (c) and 9(a), (b), and (c) of this
11 rule, and clauses 1, 2, and 4 of rule XI shall apply to
12 the Committee on Intelligence to the extent not incon-
13 sistent with this clause.

14 “(B) Notwithstanding the requirements of the first
15 sentence of clause 2(g)(2) of rule XI, in the presence of
16 the number of members required under the rules of the
17 Committee on Intelligence for the purpose of taking testi-
18 mony or receiving evidence, the committee may vote to
19 close a hearing whenever a majority of those present deter-
20 mines that the testimony or evidence would endanger the
21 national security.

22 “(5) An employee of the Committee on Intelligence,
23 or a person engaged by contract or otherwise to perform
24 services for or at the request of the committee, may not

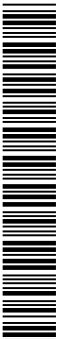


1 be given access to any classified information by the com-
2 mittee unless such employee or person has—

3 “(A) agreed in writing and under oath to be
4 bound by the Rules of the House, including the ju-
5 risdiction of the Committee on Standards of Official
6 Conduct and of the Committee on Intelligence con-
7 cerning the security of classified information during
8 and after the period of his employment or contrac-
9 tual agreement with the committee; and

10 “(B) received an appropriate security clearance,
11 as determined by the Committee on Intelligence in
12 consultation with the Director of Central Intel-
13 ligence, that is commensurate with the sensitivity of
14 the classified information to which such employee or
15 person will be given access by the committee.

16 “(6) The Committee on Intelligence shall formulate
17 and carry out such rules and procedures as it considers
18 necessary to prevent the disclosure, without the consent
19 of each person concerned, of information in the possession
20 of the committee that unduly infringes on the privacy or
21 that violates the constitutional rights of such person.
22 Nothing herein shall be construed to prevent the com-
23 mittee from publicly disclosing classified information in a
24 case in which it determines that national interest in the



1 disclosure of classified information clearly outweighs any
2 infringement on the privacy of a person.

3 “(7)(A) The Committee on Intelligence may disclose
4 publicly any information in its possession after a deter-
5 mination by the committee that the public interest would
6 be served by such disclosure. With respect to the dislo-
7 sure of information for which this subparagraph requires
8 action by the committee—

9 “(i) the committee shall meet to vote on the
10 matter within five days after a member of the com-
11 mittee requests a vote; and

12 “(ii) a member of the committee may not make
13 such a disclosure before a vote by the committee on
14 the matter, or after a vote by the committee on the
15 matter except in accordance with this subparagraph.

16 “(B)(i) In a case in which the Committee on Intel-
17 ligence votes to disclose publicly any information that has
18 been classified under established security procedures, that
19 has been submitted to it by the executive branch, and that
20 the executive branch requests be kept secret, the com-
21 mittee shall notify the President of such vote.

22 “(ii) The Committee on Intelligence may disclose
23 publicly such information after the expiration of a five-
24 day period following the day on which notice of the vote
25 to disclose is transmitted to the President unless, before



1 the expiration of the five-day period, the President, per-
2 sonally in writing, notifies the committee that he objects
3 to the disclosure of such information, provides his reasons
4 therefor, and certifies that the threat to the national inter-
5 est of the United States posed by the disclosure is of such
6 gravity that it outweighs any public interest in the disclo-
7 sure.

8 “(iii) If the President, personally in writing, notifies
9 the committee of his objections to the disclosure of infor-
10 mation as provided in clause (ii), the committee may, by
11 majority vote, refer the question of the disclosure of such
12 information, with a recommendation thereon, to the
13 House. The committee may not publicly disclose such in-
14 formation without leave of the House.

15 “(iv) Whenever the committee votes to refer the ques-
16 tion of disclosure of any information to the House under
17 clause (iii), the chairman shall, not later than the first
18 day on which the House is in session following the day
19 on which the vote occurs, report the matter to the House
20 for its consideration.

21 “(v) If the chairman of the committee does not offer
22 in the House a motion to consider in closed session a mat-
23 ter reported under clause (iv) within four calendar days
24 on which the House is in session after the recommendation
25 described in clause (iii) is reported, then such a motion

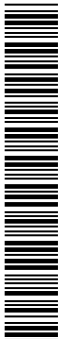


1 shall be privileged when offered by a Member, Delegate,
2 or Resident Commissioner. In either case such a motion
3 shall be decided without debate or intervening motion ex-
4 cept one that the House adjourn.

5 “(vi) Upon adoption by the House of a motion to re-
6 solve into closed session as described in clause (v), the
7 Speaker may declare a recess subject to the call of the
8 Chair. At the expiration of the recess, the pending ques-
9 tion, in closed session, shall be, “Shall the House approve
10 the recommendation of the committee?”.

11 “(vii) Debate on the question described in clause (vi)
12 shall be limited to two hours equally divided and controlled
13 by the chairman and ranking minority member of the com-
14 mittee. After such debate the previous question shall be
15 considered as ordered on the question of approving the
16 recommendation without intervening motion except one
17 motion that the House adjourn. The House shall vote on
18 the question in open session but without divulging the in-
19 formation with respect to which the vote is taken. If the
20 recommendation of the committee is not approved, then
21 the question is considered as recommitted to the com-
22 mittee for further recommendation.

23 “(C)(i) Information in the possession of the Com-
24 mittee on Intelligence relating to the lawful intelligence
25 or intelligence-related activities of a department or agency



1 of the United States that has been classified under estab-
2 lished security procedures, and that the committee has de-
3 termined should not be disclosed under subdivision (A) or
4 (B), may not be made available to any person by a Mem-
5 ber, Delegate, Resident Commissioner, officer, or em-
6 ployee of the House except as provided in clause (ii).

7 “(ii) The Committee on Intelligence shall, under such
8 regulations as it may prescribe, make information de-
9 scribed in clause (i) available to a committee or a Member,
10 Delegate, or Resident Commissioner, and permit a Mem-
11 ber, Delegate, or Resident Commissioner to attend a hear-
12 ing of the committee that is closed to the public. Whenever
13 the committee makes such information available, it shall
14 keep a written record showing, in the case of particular
15 information, which committee or which Member, Delegate,
16 or Resident Commissioner received the information. A
17 Member, Delegate, or Resident Commissioner who, and a
18 committee that, receives information under this clause
19 may not disclose the information except in a closed session
20 of the House.

21 “(D) The Committee on Standards of Official Con-
22 duct shall investigate any unauthorized disclosure of intel-
23 ligence or intelligence-related information by a Member,
24 Delegate, Resident Commissioner, officer, or employee of
25 the House in violation of subdivision (C) and report to

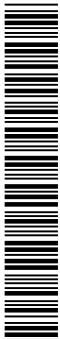


1 the House concerning any allegation that it finds to be
2 substantiated.

3 “(E) Upon the request of a person who is subject to
4 an investigation described in subdivision (D), the Com-
5 mittee on Standards of Official Conduct shall release to
6 such person at the conclusion of its investigation a sum-
7 mary of its investigation, together with its findings. If, at
8 the conclusion of its investigation, the Committee on
9 Standards of Official Conduct determines that there has
10 been a significant breach of confidentiality or unauthor-
11 ized disclosure by a Member, Delegate, Resident Commis-
12 sioner, officer, or employee of the House, it shall report
13 its findings to the House and recommend appropriate ac-
14 tion. Recommendations may include censure, removal
15 from committee membership, or expulsion from the House,
16 in the case of a Member, or removal from office or employ-
17 ment or punishment for contempt, in the case of an officer
18 or employee.

19 “(F) The Committee on Intelligence may permit a
20 personal representative of the President, designated by the
21 President to serve as a liaison to the committee, to attend
22 any closed meeting of the committee.

23 “(G) Subject to the Rules of the House, funds may
24 not be appropriated for a fiscal year, with the exception
25 of a bill or joint resolution continuing appropriations, or



1 an amendment thereto, or a conference report thereon, to,
2 or for use of, a department or agency of the United States
3 to carry out any of the following activities, unless the
4 funds shall previously have been authorized by a bill or
5 joint resolution passed by the House during the same or
6 preceding fiscal year to carry out such activity for such
7 fiscal year:

8 “(i) The activities of the Central Intelligence
9 Agency and the Director of Central Intelligence.

10 “(ii) The activities of the Defense Intelligence
11 Agency.

12 “(iii) The activities of the National Security
13 Agency.

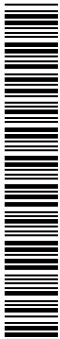
14 “(iv) The intelligence and intelligence-related
15 activities of other agencies and subdivisions of the
16 Department of Defense.

17 “(v) The intelligence and intelligence-related ac-
18 tivities of the Department of State.

19 “(vi) The intelligence and intelligence-related
20 activities of the Federal Bureau of Investigation, in-
21 cluding all activities of the Intelligence Division.

22 “(H)(i) In this clause, the term “intelligence and in-
23 telligence-related activities” includes—

24 “(I) the collection, analysis, production, dis-
25 semination, or use of information that relates to a



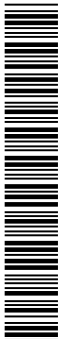
1 foreign country, or a government, political group,
2 party, military force, movement, or other association
3 in a foreign country, and that relates to the defense,
4 foreign policy, national security, or related policies of
5 the United States and other activity in support of
6 the collection, analysis, production, dissemination, or
7 use of such information;

8 “(II) activities taken to counter similar activi-
9 ties directed against the United States;

10 “(III) covert or clandestine activities affecting
11 the relations of the United States with a foreign
12 government, political group, party, military force,
13 movement, or other association;

14 “(IV) the collection, analysis, production, dis-
15 semination, or use of information about activities of
16 persons within the United States, its territories and
17 possessions, or nationals of the United States abroad
18 whose political and related activities pose, or may be
19 considered by a department, agency, bureau, office,
20 division, instrumentality, or employee of the United
21 States to pose, a threat to the internal security of
22 the United States; and

23 “(V) covert or clandestine activities directed
24 against persons described in (IV).



1 “(ii) In this clause, the term “department or agency”
2 includes any organization, committee, council, establish-
3 ment, or office within the Federal Government.

4 “(iii) For purposes of this clause, reference to a de-
5 partment, agency, bureau, or subdivision shall include a
6 reference to any successor department, agency, bureau, or
7 subdivision to the extent that a successor engages in intel-
8 ligence or intelligence-related activities now conducted by
9 the department, agency, bureau, or subdivision referred to
10 in this clause.

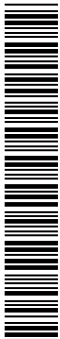
11 “(I) Clause 12(a) of rule XXII does not apply to
12 meetings of a conference committee respecting legislation
13 (or any part thereof) reported by the Committee on Intel-
14 ligence.”.

15 (c) Clause 5(a) of rule X of the Rules of the House
16 of Representatives is amended by adding at the end the
17 following new subparagraph:

18 “(4)(A) The Committee on Intelligence shall be com-
19 posed of not more than 18 Members, Delegates, or the
20 Resident Commissioner, of whom not more than 10 may
21 be from the same party. The committee shall include at
22 least one Member, Delegate, or the Resident Commis-
23 sioner from each of the following committees:

24 “(i) The Committee on Appropriations.

25 “(ii) The Committee on Armed Services.



1 “(iii) The Committee on International Rela-
2 tions.

3 “(iv) The Committee on the Judiciary.

4 “(B) The Speaker and the Minority Leader
5 shall be ex officio members of the Committee on In-
6 telligence, but shall have no vote in the committee
7 and may not be counted for purposes of determining
8 a quorum.

9 “(C) The Speaker and Minority Leader each
10 may designate a member of his leadership staff to
11 assist him in his capacity as ex officio member, with
12 the same access to committee meetings, hearings,
13 briefings, and materials as employees of the com-
14 mittee and subject to the same security clearance
15 and confidentiality requirements as employees of the
16 committee under this clause.”.

17 SUBCOMMITTEE LIMITATION ON COMMITTEE ON
18 APPROPRIATIONS

19 SEC. 3. The second sentence of clause 5(d)(2) of rule
20 X of the Rules of the House of Representatives is amended
21 by striking “13” and inserting “14 (of which one is a Sub-
22 committee on Intelligence)”.

23 MEMBERSHIP ON COMMITTEE ON APPROPRIATIONS

24 SEC. 4. Clause 5 of rule X of the Rules of the House
25 of Representatives is amended by adding at the end the
26 following new paragraph:



1 “(f) One-third of the members of the Committee on
2 Intelligence (but if such number is not an even-number
3 divisible by three, then the next highest even-number that
4 is divisible by three) shall be members of the Committee
5 on Appropriations, of whom not more than one-half shall
6 be from the same party.”.

7 CONFORMING AMENDMENTS

8 SEC. 5. (a) Clause 3(l) of rule X of the Rules of the
9 House of Representatives is amended by striking “Perma-
10 nent Select” and by striking “clause 11(b)(1)(A)” and in-
11 serting “clause 1(k)”.

12 (b) Clause 9(a)(2) of rule X of the Rules of the House
13 of Representatives is amended by striking “Permanent Se-
14 lect”.

15 (c) Clause 11 of rule 10 of the Rules of the House
16 of Representatives is repealed.

17 (c) Clause 2(g)(2)(D) of rule 11 of the Rules of the
18 House of Representatives is amended by striking “Perma-
19 nent Select”.

20 EFFECTIVE DATE

21 SEC. 6. The amendments made by this resolution to
22 the Rules of the House of Representatives shall take effect
23 immediately before noon, January 3, 2005.

